

Amendment No. 1 to HB0248

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 213

House Bill No. 248*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following new subsection:

(f) A person convicted of a violation of this section involving strangulation or attempted strangulation shall be punished by a mandatory minimum sentence of thirty (30) days incarceration, which includes participation in programming that is evidence-based for domestic violence.

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by adding the following new subsection:

(f) A violation of subdivision (a)(1)(A)(iv), in which the victim of the offense loses consciousness due to strangulation, may be prosecuted as attempted second degree murder, under § 39-13-210.

SECTION 3. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (e)(1)(A)(ii) and substituting instead:

(ii) Subdivision (a)(1)(A)(i) or (iii) is a Class C felony;

SECTION 4. Tennessee Code Annotated, Section 39-13-102(e)(1)(A), is amended by adding the following as a new subdivision:

() Subdivision (a)(1)(A)(iv) is a Class B felony;

SECTION 5. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following new subsection:

(d) A defendant charged with a violation of § 39-13-102 or § 39-13-116 that involves strangulation of the victim shall not be released on the defendant's personal recognizance or upon execution of an unsecured bond. The magistrate must require the defendant to post bail to reasonably ensure the appearance of the person as required and the safety of the community, in addition to any other conditions of release imposed.

SECTION 6. Tennessee Code Annotated, Section 39-13-102(e)(1)(A)(iii), is amended by deleting "Class C felony" and substituting "Class B felony".

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.